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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,664	03/16/2004	Zechary Chang	TAIW 219	2257

7590 02/24/2009  
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1101 14 Street, N.W.  
Washington, DC 20005

EXAMINER
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UTAMA, ROBERT J

ART UNIT	PAPER NUMBER
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3715

MAIL DATE	DELIVERY MODE
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02/24/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/800,664	<b>Applicant(s)</b> CHANG ET AL.	
	<b>Examiner</b> ROBERT J. UTAMA	<b>Art Unit</b> 3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-13 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-13 and 17-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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## **DETAILED ACTION**

### ***Status of the application***

1. This office action is a response to the amendment and argument filed on 10/09/2008. The current status of the application is as follow: claims 8-13 and 17-19 are still pending and claims 1-7, 14-16 have been cancelled.

2. The examiner would like to note that the advisory action mailed on 11/24/2008 was sent accidentally. The office action mailed on 07/09/2008 is considered a non-final rejection as application pointed out on the communication mailed on 12/01/2008.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**4. Claim 8-10, 12-13, 17 rejected under 35 U.S.C. 102(b) as being anticipated by Wasowicz US 6,435,877 (herinafter Wasowicz '877) and including the reference that is incorporated of Wasowicz US 6,299,452 (hereinafter Wasowicz '452) see Wasowicz '877 col 6:10-15.**

**Claim 8 and 17:** Wasowicz computer game combined progressive language learning method, which comprises the step of: activating game and determine a playing mode (see Wasowicz '452 col. 8:25-39 diagnostic tool "sound blender", "sound manipulator" and etc) and a learning mode (see Wasowicz '877 FIG. 3 item 110 and col. 7:28-50 "pesky parrot", "calling all detection"); executing game initialization and starting a playing progress according to said playing module (see Wasowicz '452 col. 11:55-65); activating said learning mode and executing a corresponding learning progress as a triggered event occur (see Wasowicz '452 col. 17:45-50 "user selecting training module"); recording and evaluating learning records in said learning process and store

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the learning records (see Wasowicz '877 col. 7:5-13) and adjusting said learning module and said playing mode instantaneously according to said learning records (see Wasowicz '877 col. 6:35-45).

While the Wasowicz reference do not explicitly mention the activation of a playing platform, however, it would have been inherent that the playing/learning platform would need to be activated before it is able to perform any of the intended task.

**Claim 9:** Wasowicz provides a teaching of language learning system wherein said learning mode is selected from the group consisting of alphabets and words (see Wasowicz '877 FIG. 5 and 6).

**Claim 10:** Wasowicz provides a teaching where the language elements are one selected from the group consisting of sound (see Wasowicz '877 col. 3:9-15) and image (Wasowicz '877 FIG 23 item 440).

**Claim 13:** Wasowicz provides a teaching of combined progressive learning system having a control system where the user control interface is further employed for providing said playing mode (see Wasowicz '452 col. 10:10-20) and learning mode (see Wasowicz '877 col. 15:25-30)

**Claim 12:** Wasowicz provides a teaching of language learning system wherein the learning adjustment further comprises for storing said learning record when said playing process and said learning process are terminated (Wasowicz '877 see col. 7:5-20 and Wasowicz '452 col. 7:35-45).

**Claim 18:** The Wasowicz reference provides a teaching of a user control interface that comprises of a plurality of a manually operable keys (see Wasowicz '452 col. 10:10-20 keyboard).

**Claim 19:** The Wasowicz reference provides a teaching of a learning method combined with a computer game where the playing mode and learning mode are determined before the playing process is started (see col. 17:25-55 item 596).

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***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. **Claim 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Wasowicz US 6,435,877 (hereinafter Wasowicz '877) and including the reference that is incorporated Wasowicz US 6,299,452 (hereinafter Wasowicz '452) see Wasowicz '877 col 6:10-15 and in view of Sorensen US 5,827,071.**

**Claim 11:** While the Wasowicz reference provides a teaching of having an active triggered events (see Wasowicz '452 col. 17:45-50 "user selecting training module"); it does not provide a teaching of a passively triggered events. However, the Sorensen reference provides a teaching of a passively triggered event (see Sorensen col. 3:27-40). Therefore, it would have been obvious to one of ordinary skilled in the art to include the feature of having a passively triggered event as taught by Sorensen, in order to expose the user with a new learning material in a non-intrusive manner (see Sorensen Abstract).

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***Response to Arguments***

8. Applicant's amendment filed on 10/09/2008 are considered effective to overcome the rejection under 35 U.S.C 101 on claim 8 and its dependencies.

9. Applicant's arguments filed 10/09/2008 have been fully considered but they are not persuasive. Newly added citation has been added to cover the newly presented limitation.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT J. UTAMA whose telephone number is (571)272-1676. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. J. U./  
Examiner, Art Unit 3715

/XUAN M. THAI/  
Supervisory Patent Examiner, Art Unit 3715